DOCUMENT RESUME

ED 467 450 EA 031 818

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TITLE	Washington State's Laws Regulating Home-Based Instruction. Revised.
INSTITUTION	Washington Office of the State Superintendent of Public Instruction, Olympia.
PUB DATE	2001-01-00
NOTE	42p.
AVAILABLE FROM	Office of Superintendent of Public Instruction, Old Capitol Building, P.O. Box 47200, Olympia, WA 98504-7200. Tel: 360-725-6000; Web site: http://www.k12.wa.us/. For full text: http://www.k12.wa.us/learnteachsupp/HomeBased/HBinstruct.pdf.
PUB TYPE	Guides - Non-Classroom (055)
EDRS PRICE	EDRS Price MF01/PC02 Plus Postage.
DESCRIPTORS	Elementary Secondary Education; Government Publications; *Home Schooling; Nontraditional Education; *Parents as Teachers; State Boards of Education; *State Legislation; State Regulation
IDENTIFIERS	*Washington

ABSTRACT

This publication was put together by the Washington State Office of Superintendent of Public Instruction in response to questions about laws concerning home-based instruction passed in 1985. Part 1 contains responses to questions relating to Chapter 28A.225 RCW and Chapter 28A.200 RCW; topics covered include regulations governing compulsory school attendance and admission, and a definition of home-based instruction. Part 2 contains responses to questions about RCW 28A.195.010; topics covered include approved private schools, extension programs for parents to teach children in their custody, and the scope of state control. Part 3 contains responses to questions about RCW 28A.150.260; topics are part-time students, definition of "course," enrollment authorization, reimbursement for costs, funding authority recognition, and rules and regulations. An appendix contains sample formats of a request for part-time attendance or ancillary services and of a declaration of intent to provide home-based instruction; State Board of Education-approved standardized achievement tests for home-based instruction; and laws RCW 28A.150.260, RCW 28A.150.350, Chapter 28A.200 RCW, Chapter 28A.255 RCW, Chapter 392-134 WAC, and Chapter 180-52 WAC. (RT)

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Washington State's Laws Regulating Home-Based Instruction

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WASHINGTON STATE'S LAWS REGULATING HOME-BASED INSTRUCTION

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Revised
January 2001

INTRODUCTION

Washington State's laws regulating home-based instruction, extension programs in approved private schools, and the part-time attendance in public schools of students receiving home-based instruction.

In May 1985, the Governor signed into a law chapter 441, Laws of 1985, (SSB 3279, the "Home-Based Instruction" Law). Three statutes were amended by this law: RCW 28A.225.010 Attendance mandatory—Age—Exceptions; RCW 28A.195.010 Private schools—Extension programs for parents to teach children in their custody—Scope of state control; and RCW 28A.150.350 Part-time students—Defined—Enrollment authorized—Reimbursement for costs—Funding authority recognition—Rules, regulations. New sections were added to chapter 28A.225 RCW Compulsory School Attendance and Admission. In 1991, RCW 28A.305.190 Eligibility to take general educational development test was also amended.

There are no rules and regulations implementing chapter 28A.225 RCW since the authority to enforce this statute rests with local school district authorities under RCW 28A.305.310 and RCW 28A.195.040. Therefore, those portions of the new legislation which amended or added to chapter 28A.225 RCW and chapter 28A.200 RCW Home-Based Instruction will not be put into rules or regulations.

The State Board of Education is authorized to promulgate rules relating to the approval of private schools. The Superintendent of Public Instruction is responsible to implement the statute relating to part-time attendance and the General Educational Development (GED). Rules and regulations governing extension programs in private schools and part-time attendance in the public schools of students receiving home-based instruction were adopted in 1987. Rules and regulations authorizing students who receive home-based instruction to take the GED were passed in 1991.

The Office of Superintendent of Public Instruction (OSPI) is distributing this information in response to numerous questions that have been directed to the agency since the passage of the law in 1985. This document contains the following information:

Part One

- Responses to Questions Relating to Chapter 28A.225 RCW and Chapter 28A.200 RCW

Part Two

- Responses to Questions Relating to RCW 28A.195.010

Part Three

- Responses to Questions Relating to RCW 28A.150.260

Appendix

- Request for Part-Time Attendance or Ancillary Services (sample format)
- Declaration of Intent to Provide Home-Based Instruction (sample format)
- State Board of Education-Approved Standardized Achievement Tests for Home-Based Instruction
- RCW 28A.150.260
- RCW 28A.150.350
- Chapter 28A.200 RCW
- Chapter 28A.225 RCW
- Chapter 392-134 WAC
- Chapter 180-52 WAC

PART ONE

Chapter 28A.225 RCW Compulsory School Attendance and Admission
Chapter 28A.200 RCW Home-Based Instruction

1. **What are the requirements of compulsory school attendance and admission laws in Washington, including the age levels of children affected and the requirements a parent must meet in order to be in compliance with the law?**

   RCW 28A.225.010 requires all parents of any child 8 years of age and under 18 years of age in this state to cause such children to attend the public school of the district in which the child resides for the full time when the school is in session, unless:

   - The child is attending an approved private school or is enrolled in an extension program of an approved private school.
   - The child is receiving home-based instruction.
   - The child is attending an education center.
   - The school district superintendent has excused the child from attendance because the child is physically or mentally unable to attend school; is attending a residential school operated by the Department of Social and Health Services; is incarcerated in an adult facility*; or has been temporarily excused upon the request of his or her parents for purposes agreed upon by the school authorities and the parent, provided that such excused absences will not be permitted if deemed to cause a serious adverse effect upon the student's educational progress.
   - The child is 16 years of age or older and the child is regularly and lawfully employed and either the parent agrees that the child should not be required to attend the school or the child is emancipated in accordance with chapter 13.64 RCW; the child has already met graduation requirements in accordance with State Board of Education rules and regulations; or the child has received a certificate of educational competence under rules and regulations established by the State Board of Education.

* A 1998 amendment added by Section 14 of chapter 224, Laws of 1998.

2. What constitutes home-based instruction?

RCW 28A.225.010(4) defines instruction as home-based if it consists of planned and supervised instructional and related educational activities, including curriculum and instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of an appreciation of art and music provided for a number of hours per grade level established for approved private schools (see question 3 below) and if such activities are provided by a qualified parent.

The statute further states that the Legislature recognizes that home-based instruction is less structured and more experiential than the instruction normally provided in a classroom setting. Therefore, the provisions relating to the nature and quantity of instructional and related educational activities shall be liberally construed.

RCW 28A.200.020 states that parents who are causing their children to receive home-based instruction shall be subject only to those minimum state laws and regulations that are necessary to ensure that a sufficient basic educational opportunity is provided to the children receiving such instruction. Therefore, all decisions relating to philosophy or doctrine; selection of books, teaching materials and curriculum; and methods, timing, and place in the provision or evaluation of home-based instruction shall be the responsibility of the parent except for matters specifically referred to in chapter 28A.225 RCW.

3. What are the total annual program hours per grade level established for approved private schools?

RCW 28A.150.220 defines the total annual program hours as being:

Kindergarten	At least a total of 450 hours.
Grades 1 through 12	An annual average total of 1,000 hours.

4. **What qualifications must a parent meet in order to cause his/her child(ren) to receive home-based instruction?**

RCW 28A.225.010(4) requires that the instructional and educational activities be:

a. Provided by a parent who is instructing his or her child only and is supervised by a person certificated under chapter 28A.410 RCW. The supervision consists of and includes planning of objectives by the certificated person and the parent, a minimum each month of an average of one contact hour per week with the child being supervised by the certificated person, and evaluation of such child's progress by the certificated person. The number of children supervised by the certificated person shall not exceed 30.

b. Provided by a parent who is instructing his or her child only and who has either earned 45 college-level credit hours or the equivalent in semester hours or has completed a course in home-based instruction at postsecondary institution or a vocational-technical institute.

c. Provided by a parent who is deemed sufficiently qualified to provide home-based instruction by the superintendent of the local school district in which the child resides.

5. **What requirements must a course meet in order to qualify as a course in home-based instruction?**

Other than the requirement that the course be completed at a postsecondary institution or a vocational-technical institute, the statute is not specific and does not establish other requirements such as number of hours, nature of the course, approval of the course, nor does it specify an authority other than the postsecondary or vocational-technical school to make such requirements.

6. **Is a superintendent required to review a parent's request to be assessed as sufficiently qualified to provide home-based instruction?**

The statute does not clearly dictate that a superintendent must honor such a request. The statute identifies this as one of three options by which a parent may qualify to provide home-based instruction. Without further specification from the statute it would appear that a superintendent has the authority to deem a parent as sufficiently qualified but is not, by this statute, required to review such a request.

7. **What criteria might a superintendent use to assess whether or not a parent should be deemed sufficiently qualified to provide home-based instruction?**

The statute does not provide criteria by which a superintendent might deem a parent sufficiently qualified. A superintendent may develop his/her own criteria for purposes of assessing a parent's qualification to provide home-based instruction.

In addition to other requirements, a superintendent might require signed and notarized statements from parents. A superintendent may also elect to ask the school board to establish policies and procedures on this and related issues.

8. **What is the extent to which a superintendent may be held liable should he/she deem a parent to be sufficiently qualified and subsequently the child does not progress satisfactorily?**

The statute is silent on this issue. Determination of liability could be pursued through the courts on an individual case-by-case basis.

9. **Where does a parent address a request for the declaration of intent format and when must the statement be filed?**

The format prescribed by the Superintendent of Public Instruction must be requested from **the local school district superintendent's office.** A sample of the prescribed format is included with this packet. The declaration of intent, which is printed on a local school district's form, stationery, or letterhead, must be filed with the local school district superintendent by September 15 of the school year or within two weeks of the beginning of any public school quarter, trimester, or semester.

10. What duties must a parent perform who is providing his/her child(ren) with home-based instruction?

Chapter 28A.200 RCW states that each parent who is providing home-based instruction must:

a. File annually a signed declaration of intent that he or she is planning to cause his or her child to receive home-based instruction.

b. Ensure that test scores or annual academic progress assessment and immunization records, together with any other records that are kept relating to the instructional and educational activities provided, are forwarded to any other public or private school to which the child transfers.

c. Ensure that a standardized achievement test approved by the State Board of Education is administered annually to the child by a qualified individual or that an annual assessment of the student's academic progress is written by a certificated person who is currently working in the field of education. The results of the standardized test or the annual academic progress assessment shall be made a part of the child's permanent records. If, as a result of the annual test or assessment, it is determined that the child is not making reasonable progress consistent with his or her age or stage of development, the parent shall make a good faith effort to remedy any deficiency.

Other than those items specifically required by the statute, all decisions relating to philosophy or doctrine, selection of books, teaching materials and curriculum methods, timing and place in the provision or evaluation of home-based instruction shall be the responsibility of the parent.

11. Who must provide materials, tests, texts, progress forms, etc., for the student who is receiving home-based instruction?

It is the parent's responsibility to provide materials and equipment necessary to meet the planned objectives for the home-based instruction.

12. Are there any statewide organizations that a parent might contact for more information about homeschooling?

Yes.
Washington Homeschool Organization
6632 South 191st Place, Suite E100
Kent, WA 98032
425/251-0439
and
Family Learning Organization
PO Box 7247
Spokane, WA 99207-0247
800/405-8378

13. May a district supply materials and equipment if it so chooses?

A school district may establish regulations relating to the sale of materials at cost or to the lending or rental of such materials.

14. Which standardized tests may be used and who must provide the test?

The State Board of Education has approved a list of standardized tests. The list is included in the appendix.

It is the parent's responsibility to ensure that the testing (or the annual assessment described below) is done and that the results are a part of the student's permanent record.

If the student is at a grade level in which all students in the local school district are tested, the parent may request that the student take the test as an ancillary service. The school district is required to provide this service under the Part-Time Attendance Act, RCW 28A.150.350.

15. Who is a "qualified" individual for purposes of administering the standardized test?

The instructions for administering the standardized tests which accompany the testing instruments identify those persons whom the testing service recognizes as qualified to administer the tests.

16. **If a parent chooses to provide for an annual assessment of the child's academic progress instead of the administration of the standardized test, who must perform this assessment and of what must the assessment consist?**

According to chapter 28A.200 RCW, the annual assessment must be performed by a certificated person who is currently working in the field of education.

The statute does not specify what constitutes an annual assessment, but does state that if, as a result of the annual test or assessment, it is determined that the child is not making reasonable progress consistent with his or her age or state of development, the parent shall make a good faith effort to remedy any deficiency. Therefore, it is reasonable to assume that the assessment should contain statements and documents that reflect the child's progress, or lack thereof, which is or is not consistent with his or her age or stage of development.

17. **What constitutes "reasonable" progress and who determines whether or not the progress being made by the student is "reasonable"?**

The statute does not define reasonable progress nor does it specify who is to determine whether or not reasonable progress is being made. However, the section relating to reasonable progress found in chapter 28A.200 RCW is a part of the Compulsory School Attendance Law, which contains provisions for the prosecution of those individuals who are found to be in violation of the law. Therefore, in each case in which a parent is to be prosecuted for alleged violation, "reasonable progress" would be determined by the court hearing the case. In addition to the provisions for prosecution for noncompliance with this act, certain provisions that apply to the health, safety, and well being of children can be found in the statutes and regulations of the Department of Social and Health Services (DSHS). DSHS is authorized and mandated to investigate reports of suspected child neglect and/or abuse.

18. **Who is responsible for determining the placement of a student transferring from "home-based" instruction to a public or private school?**

Chapter 28A.200 RCW states that at the time of a transfer to a public school, the superintendent of the local school district in which the child enrolls may require a standardized achievement test to be administered and will have the authority to determine the appropriate grade and course level placement of the student after consultation with the parent and a review of the student's records. This procedure applies as well to the administrator of a private school to which a student transfers.

19. **May a student who is taking courses in "home-based" instruction be allowed to credit these courses toward high school graduation in the case of a student transferring to a public school from the home-based instruction situation?**

A school district may adopt rules governing the acceptance of off-campus learning for credit but is not required to do so. Acceptance or nonacceptance of course work that is not completed under the jurisdiction of the public school is the prerogative of the school district.

Local school boards are authorized under WAC 180-50-310 to adopt rules governing the acceptance of correspondence courses and under WAC 180-50-300 to adopt rules granting credit for off-campus learning experiences.

20. **If a student is instructed at home throughout high school, may a parent issue the student a diploma?**

There are no statutes that authorize the issuance of a high school diploma. Chapter 180-51 WAC High School Graduation Requirements specifies what courses of study are required for graduation from a high school in Washington State. There appears to be nothing that would enjoin a parent from issuing a diploma from a home-based instruction program which meets the requirements found in chapter 180-50 WAC. However, parents and students should be advised that businesses, institution of higher learning, and branches of the armed services establish their own criteria for determining the credibility of a diploma and may or may not honor a diploma or any other documentation that they deem unacceptable for their purposes.

21. **What is the responsibility of the public school district in the event that cases of noncompliance are reported to public school officials?**

Public school officials are required to report cases of noncompliance to the person designated as the enforcement officer of the truancy laws as stated in chapter 28A.225 RCW.

22. **Are there any penalties for failing to comply with this act?**

Persons who fail to comply with the duties specified in chapter 28A.200 RCW are liable for prosecution under RCW 28A.225.020.

23. **Will supervision of the home-based instruction by the certificated teacher be counted as teaching experience for certification purposes?**

Professional Education and Certification at OSPI recognizes only those teaching experiences performed in public schools and approved private schools.

24. May a student who has been homeschooled take the GED test?

Yes. WAC 180-96-005 and RCW 28A.305.190 allow persons between the ages of 16 and 19 who have been instructed at home in compliance with RCW 28A.225.010(4) and chapter 28A.200 RCW to take and successfully complete the GED and be issued a GED certificate.

PART TWO

RCW 28A.195.010 Approved Private Schools—Extension Programs for Parents to Teach Children in Their Custody—Scope of State Control

1. What is an approved private school?

An approved private school is one that is approved by the State Board of Education pursuant to RCW 28A.305.130 and maintains minimum approval requirements pursuant to RCW 28A.195.010 and chapter 180-90 WAC.

These minimum requirements include:

Filing an annual certificate of compliance with state standards.

Providing a minimum school year of 180 days or the equivalent in total annual minimum program hour offerings as prescribed in RCW 28A.150.220.

Providing classroom teachers who hold appropriate Washington certification except as provided for in law.

Safeguarding permanent records.

Maintaining physical facilities that meet health and fire safety requirements.

Providing curriculum in the basic skills of occupational education, science, math, language, social studies, history, health, reading, writing, spelling, and development of appreciation of art and music, all in sufficient units for meeting State Board of Education graduation requirements (chapter 180-51 WAC).

Maintaining an up-to-date policy statement.

The school does not engage in a policy of racial segregation or discrimination.

2. What requirements must an approved private school meet in order to operate an extension program?

RCW 28A.195.010(4) states that an approved private school operating an extension program for parents, guardians, or persons having legal custody of a child to teach children in their custody shall require at a minimum that:

a. The parent, guardian, or custodian be under the supervision of a certificated employee of the approved private school.

b. The planning by the certificated person and the parent, guardian, or person having legal custody include objectives consistent with other approved private school program requirements.

c. The certificated person spends a minimum average each month of one contact hour per week with each student under his/her supervision who is enrolled in the approved private school extension program.

d. Each student's progress be evaluated by the certificated person.

e. The certificated employee shall not supervise more than 30 students.

(A residential dwelling used in an extension program is deemed to be an adequate physical facility for the purpose of meeting the health and fire safety requirements for approved private schools.)

The administrator of an approved private school must sign a statement of assurance that these requirements will be met. The statement is incorporated as a part of the private school's annual certificate of compliance with state standards.

3. **If a parent enrolls a student in an approved private school's extension program, must he/she file a declaration of intent or meet the other requirements specified in chapter 28A.225 RCW?**

No. The student enrolled in an extension program meeting the requirements found in RCW 28A.195.010(4) is considered an enrollee in the approved private school and is not a student receiving home-based instruction pursuant to chapter 28A.225 RCW. Therefore, the parents are not subject to the requirements for home-based instruction specified in chapter 28A.200 RCW.

4. **Must public schools include eligible students in extension programs in approved private schools in federal programs?**

Yes. The students enrolled in extension programs are considered enrollees in the approved private school. As such they are included in federal programs for which they are eligible on the same basis as other eligible students in the private school.

5. **Must students in the extension program of an approved private school be tested with a standardized achievement test annually?**

No. They are not required to take a standardized achievement test. Each student's progress must be evaluated by a certificated person.

6. **Do immunization requirements apply to extension students?**

Yes. The immunization requirements found in WAC 248-100-163 apply to these students.

7. **May a private school extension student enroll in a public school as a part-time attendance student?**

Yes. RCW 28A.150.350 provides for the enrollment of a private school student in the public school for the purpose of taking a course or receiving an ancillary service not available in the private school.

PART THREE

RCW 28A.150.350 Part Time Students—Defined—Enrollment Authorized—Reimbursement for Costs—Funding Authority Recognition—Rules, Regulations

1. **Do students receiving home-based instruction have access to instruction through part-time attendance and/or ancillary services in the public schools?**

   Yes. RCW 28A.150.350(2) specifies that the board of directors of any school district is authorized and, in the same manner as for other public school students, shall permit the enrollment of and provide ancillary services for part-time students who would be otherwise eligible for full-time enrollment in the school district. A student who is receiving home-based instruction which includes courses at and/or receiving ancillary services from the local school district is by definition a part-time school student.

2. **What constitutes a "course" for purposes of part-time attendance?**

   A "course" is defined as any instructional curricular service or activity in which preschool through twelfth grade students are enrolled by a public school.

3. **Are sports activities considered an ancillary service?**

   WAC 392-134-005 defines ancillary service as any cocurricular service or activity, any health care service or activity, and any other services or activities, except "courses," for or in which preschool through twelfth grade students are enrolled by a public school. The term shall include, but not be limited to, counseling, psychological services, testing remedial instruction, speech, and hearing therapy, health care services, tutorial services such as home or hospital instruction for the physically disabled, and sports activities.

   To qualify to participate in interscholastic activities, a student must meet eligibility criteria. Such criteria is determined by the Washington Interscholastic Activities Association (WIAA). Information may be obtained by contacting the WIAA at 1211 West Lake Sammamish Blvd. S.E., Bellevue, WA 98099, 206/746-7102.

4. **Will state funds be allocated to the school district for providing services and/or instruction to part-time students?**

   Yes. RCW 28A.150.350(3) states that the Superintendent of Public Instruction shall recognize the costs to each district occasioned by enrollment of and/or ancillary services provided for part-time students and shall include such costs in the distribution of funds to school districts pursuant to RCW 28A.150.260. Each

school district will be allocated basic education funds occasioned by attendance of and/or ancillary services provided for part-time students on a part-time basis as reported to the Superintendent of Public Instruction according to law, rule, and instructions. At the time of enrollment, students must be physically present at school as required by WAC 392-121-105(1). Chapter 392-134 WAC Finance—Apportionment for Part-Time Public School Attendance contains the rules and regulations that implement the statutes pertaining to part-time attendance. School districts shall report part-time attendance on Form SPI P-240B, Final Enrollment Report of Home-Based Instruction Students Attending Public School Part-Time or Receiving Ancillary Services.

5. **Under what circumstances may ancillary services be reported for the purpose of receiving state funds?**

WAC 392-134-025(2) states that each district shall report to the Superintendent of Public Instruction the number of hours that courses and/or ancillary services, or any combination of courses and ancillary services, are provided to part-time students in the basic enrollment data for state funding purposes. Hours reported for each cocurricular experience that generates credit shall not exceed the hours of the respective course for which the cocurricula experience was credited. Form SPI P-240B is used for reporting ancillary services as well as part-time attendance.

6. **May a part-time student use school district transportation?**

A part-time student may use school district transportation at normal times and at the designated route stops. Allocation of state funds for transportation is dependent upon meeting regulations cited in chapter 392-141 WAC Transportation—State Allocation for Operations.

7. **Is there any circumstance by which a public school district may provide supervision by certificated staff of students and parents in home-based instruction?**

A school district may provide this supervision at district expense.

8. **Is a public school district required to provide this supervision?**

No. This is a service which may be provided at the discretion of the school district.

9. **If a school district provides such supervision, may the public school employee supervise a religious-based curriculum?**

No. Article 1, Section 11 of the Constitution of the State of Washington states that no public money or property shall be appropriated for or applied to any

religious worship, exercise or instruction, or the support of any religious establishment.

10. **May a school district enroll a student who is receiving home-based instruction as a full-time equivalent student for purposes of receiving full funding by providing supervision, materials, curriculum, and testing?**

Under no circumstances may a student who is receiving home-based instruction as defined in chapter 28A.225 RCW be reported as a full-time equivalent student for purposes of receiving state funds. (See Section 1, question 2 for the definition of home-based instruction.)

For purposes of meeting compulsory attendance requirements, a student is enrolled in a public school, **or** is enrolled in a private school, **or** is receiving home-based instruction. (See also question 11 below.)

11. **Are there any circumstances by which a school district may provide the same model of instruction that home-based instructed students receive to students who are full-time public school students?**

No. The definition of home-based instruction found in RCW 28A.225.010(4) does not meet direct supervision requirements for the allocation of state funds. Full-time equivalent student is defined in WAC 392-121-121. However, WAC 392-121-182 Finance, General Apportionment: Alternative Learning Experience Requirements authorizes school districts to adopt rules by which a school district may receive credit toward full-time enrollment for teaching/learning experiences conducted off-campus. Under such rules a student is enrolled as a public school student. Alternative school district programs must meet minimum program hours and direct supervision requirements to receive state funds.

See the appendix for a sample format to request part-time attendance or ancillary services (registration form).

APPENDIX

(sample format only)

(Name of Public School District)

Request for Part-Time Attendance or Ancillary Services From Private School Student or a Student Receiving Home-Based Instruction

Name of student_____ Birthdate_____Grade_____

Address of student_____

City and zip code_____

Name of parent_____

Telephone: (Work No.)_____(Home No.)_____

IF REQUEST IS MADE BY PRIVATE SCHOOL STUDENT:

Name of private school: _____

As the parent of _____, I attest that the services requested are not provided in the private school that my child attends.

Services requested: _____
_____
_____

Public school where service is requested: _____

Signature of parent or guardian: _____
Date: _____

Service or course requested and date(s) student wants to participate:

Service/course: _____ Date: _____
Service/course: _____ Date: _____
Service/course: _____ Date: _____
Service/course: _____ Date: _____

Return to: office of the local school district superintendent

(sample format only)

Declaration of Intent to Provide Home-Based Instruction

Public School District
ESD/County

A parent who intends to cause his/her child or children to receive home-based instruction in lieu of attendance or enrollment in a public school, approved private school, or an extension program of an approved private school must file an annual declaration of intent to do so in the format prescribed below:

I do hereby declare that I am the parent, guardian, or legal custodian of the child(ren) listed below; that said child(ren) is (are) between the ages of 8 and 18 and as such are subject to the requirements found in chapter 28A.225 RCW Compulsory Attendance; I intend to cause said child(ren) to receive home-based instruction as specified in RCW 28A.225.010(4); and if a certificated person will be supervising the instruction, I have indicated this by checking the appropriate space.

Child(ren)'s Name(s)	Birthdate
_____	_____
_____	_____
_____	_____

( ) The home-based instruction will be supervised by a person certificated in Washington State pursuant to chapter 28A.410 RCW.

_____ _____
Signature Date

_____
Street Address

_____ _____ _____
City State Zip Code

This statement must be filed annually by September 15 or within two weeks of the beginning of any public school quarter, trimester, or semester with the superintendent of the public school district within which the parent resides.

Send to:
Superintendent:
_____ School District
Street Address, City, State, Zip Code

State Board of Education-Approved Standardized Achievement Tests for Home-Based Instruction

REVISED FEBRUARY 2000

- ACT and PACT Assessment (American College Testing, Inc.)
- California Achievement Tests (CTB / McGraw-Hill)
- California Diagnostic Test (CTB / McGraw-Hill)
- Comprehensive Tests of Basic Skills (CTB / McGraw-Hill)
- Degrees of Reading Power (Touchstone Applied Science Associate, Inc.)
- Iowa Tests of Basic Skills (Riverside Publishing Company)
- Iowa Tests of Education Development (Riverside Publishing Company)
- Metropolitan Achievement Tests (Psychological Corporation)
- National Achievement Test (American College Testing)
- Scholastic Achievement Test – SAT I: Reasoning and Preliminary Scholastic Achievement Test – PSAT (the college board)
- Stanford Achievement Test (Psychological Corporation)
- Stanford Early School Achievement Test (Psychological Corporation)
- Test of Achievement and Proficiency (Riverside Publishing Company)
- Washington Assessment of Student Learning

Test students in reading, language arts, and mathematics. You may need to use more than one test to test all three areas.

Students receiving home-based instruction are not required to take the Washington Assessment of Student Learning (WASL). If you choose to use the WASL you will need to have it administered by a public school or state board of education approved private school. The WASL **must** be scored by the vendor contracted by the Superintendent of Public Instruction to score the assessment.

(Revised 2/00)

RCW 28A.150.260 Annual basic education allocation of funds according to average FTE student enrollment—Procedure to determine distribution formula—Submittal to legislature—Enrollment, FTE student, certificated and classified staff, defined. The basic education allocation for each annual average full time equivalent student shall be determined in accordance with the following procedures:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula based on a ratio of students to staff for the distribution of a basic education allocation for each annual average full time equivalent student enrolled in a common school. The distribution formula shall have the primary objective of equalizing educational opportunities and shall provide appropriate recognition of the following costs among the various districts within the state:

(a) Certificated instructional staff and their related costs;

(b) Certificated administrative staff and their related costs;

(c) Classified staff and their related costs;

(d) Nonsalary costs;

(e) Extraordinary costs of remote and necessary schools and small high schools, including costs of additional certificated and classified staff; and

(f) The attendance of students pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district.

(2)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature. The formula shall be for allocation purposes only. While the legislature intends that the allocations for additional instructional staff be used to increase the ratio of such staff to students, nothing in this section shall require districts to reduce the number of administrative staff below existing levels.

(b) The formula adopted by the legislature shall reflect the following ratios at a minimum: (i) Forty-nine certificated instructional staff to one thousand annual average full time equivalent students enrolled in grades kindergarten through three; (ii) forty-six certificated instructional staff to one thousand annual average full time equivalent students in grades four through twelve; (iii) four certificated administrative staff to one thousand annual average full time equivalent students in grades kindergarten through twelve; and (iv) sixteen and sixty-seven one-hundredths classified personnel to one thousand annual average full time equivalent students enrolled in grades kindergarten through twelve.

(c) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect: PROVIDED, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in RCW 28A.150.220 and 28A.150.100. The enrollment of any district shall be the annual average number of full time equivalent students and part time students as provided in RCW 28A.150.350, enrolled on the first school day of each month and shall exclude full time equivalent students with disabilities recognized for the purposes of allocation of state funds for programs under RCW 28A.155.010 through 28A.155.100. The definition of full time equivalent student shall be determined by rules of the superintendent of public instruction: PROVIDED, That the definition shall be included as part of the superintendent's biennial budget request: PROVIDED, FURTHER, That any revision of the present definition shall not take effect until approved by the house appropriations committee and the senate ways and means committee: PROVIDED, FURTHER, That the office of financial management shall make a monthly review of the superintendent's reported full time equivalent students in the common schools in conjunction with RCW 43.62.050.

(3)(a) Certificated instructional staff shall include those persons employed by a school district who are nonsupervisory employees within the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision: PROVIDED, FURTHER, That the hiring of such classified people shall not occur during a labor dispute and such classified people shall not be hired to replace certificated employees during a labor dispute.

(b) Certificated administrative staff shall include all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors,

Contingent effective date—1992 c 141 §§ 502-504, 506, and 507: "Sections 502 through 504, 506, and 507 of this act shall take effect September 1, 2000. However, these sections shall not take effect if, by September 1, 2000, a law is enacted stating that a school accountability and academic assessment system is not in place." [1993 c 336 § 1202; 1992 c 141 § 509.] That law was not enacted by September 1, 2000.

Findings—Part headings—Severability—1992 c 141: See notes following RCW 28A.410.040.

RCW 28A.150.350 Part time students—Defined—Enrollment authorized—Reimbursement for costs—Funding authority recognition—Rules, regulations. (1) For purposes of this section, the following definitions shall apply:

(a) "Private school student" shall mean any student enrolled full time in a private school;

(b) "School" shall mean any primary, secondary or vocational school;

(c) "School funding authority" shall mean any nonfederal governmental authority which provides moneys to common schools;

(d) "Part time student" shall mean and include: Any student enrolled in a course of instruction in a private school and taking courses at and/or receiving ancillary services offered by any public school not available in such private school; or any student who is not enrolled in a private school and is receiving home-based instruction under RCW 28A.225.010 which instruction includes taking courses at or receiving ancillary services from the local school district or both; or any student involved in any work training program and taking courses in any public school, which work training program is approved by the school board of the district in which such school is located.

(2) The board of directors of any school district is authorized and, in the same manner as for other public school students, shall permit the enrollment of and provide ancillary services for part time students: PROVIDED, That this section shall only apply to part time students who would be otherwise eligible for full time enrollment in the school district.

(3) The superintendent of public instruction shall recognize the costs to each school district occasioned by enrollment of and/or ancillary services provided for part time students authorized by subsection (2) of this section and shall include such costs in the distribution of funds to school districts pursuant to RCW 28A.150.260. Each school district shall be reimbursed for the costs or a portion thereof, occasioned by attendance of and/or ancillary services provided for part time students on a part time basis, by the superintendent of public instruction, according to law.

(4) Each school funding authority shall recognize the costs occasioned to each school district by enrollment of and ancillary services provided for part time students authorized by subsection (2) of this section, and shall include said costs in funding the activities of said school districts.

(5) The superintendent of public instruction is authorized to adopt rules and regulations to carry out the purposes of RCW 28A.150.260 and 28A.150.350. [1990 c 33 § 112; 1985 c 441 § 5; 1977 ex.s. c 359 § 8; 1972 ex.s. c 14 § 1; 1969 ex.s. c 217 § 4. Formerly RCW 28A.41.145.]

Severability—1985 c 441: See note following RCW 28A.225.010.

Effective date—Severability—1977 ex.s. c 359: See notes following RCW 28A.150.200.

Severability—1972 ex.s. c 14: "If any provision of this 1972 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is held invalid." [1972 ex.s. c 14 § 2.]

Basic Education Act, RCW 28A.150.350 as part of: RCW 28A.150.200.

Chapter 28A.200 RCW
HOME-BASED INSTRUCTION

Sections

28A.200.010 Home-based instruction—Duties of parents.
28A.200.020 Home-based instruction—Certain decisions responsibility of parent unless otherwise specified.

RCW 28A.200.010 Home-based instruction—Duties of parents. Each parent whose child is receiving home-based instruction under RCW 28A.225.010(4) shall have the duty to:

(1) File annually a signed declaration of intent that he or she is planning to cause his or her child to receive home-based instruction. The statement shall include the name and age of the child, shall specify whether a certificated person will be supervising the instruction, and shall be written in a format prescribed by the superintendent of public instruction. Each parent shall file the statement by September 15 of the school year or within two weeks of the beginning of any public school quarter, trimester, or semester with the superintendent of the public school district within which the parent resides or the district that accepts the transfer, and the student shall be deemed a transfer student of the nonresident district. Parents may apply for transfer under RCW 28A.225.220;

(2) Ensure that test scores or annual academic progress assessments and immunization records, together with any other records that are kept relating to the instructional and educational activities provided, are forwarded to any other public or private school to which the child transfers. At the time of a transfer to a public school, the superintendent of the local school district in which the child enrolls may require a standardized achievement test to be administered and shall have the authority to determine the appropriate grade and course level placement of the child after consultation with parents and review of the child's records; and

(3) Ensure that a standardized achievement test approved by the state board of education is administered annually to the child by a qualified individual or that an annual assessment of the student's academic progress is written by a certificated person who is currently working in the field of education. The state board of education shall not require these children to meet the student learning goals, master the essential academic learning requirements, to take the assessments, or to obtain a certificate of mastery pursuant to *RCW 28A.630.885. The standardized test administered or the annual academic progress assessment written shall be made a part of the child's permanent records. If, as a result of the annual test or assessment, it is determined that the child is not making reasonable progress consistent with his or her age or stage of development, the parent shall make a good faith effort to remedy any deficiency.

Failure of a parent to comply with the duties in this section shall be deemed a failure of such parent's child to attend school without valid justification under RCW 28A.225.020. Parents who do comply with the duties set forth in this section shall be presumed to be providing home-based instruction as set forth in RCW 28A.225.010(4). [1995 c 52 § 1; 1993 c 336 § 1103; 1990 c 33 § 178; 1985 c 441 § 2. Formerly RCW 28A.27.310.]

*Reviser's note: RCW 28A.630.885 was recodified as RCW 28A.655.060 pursuant to 1999 c 388 § 607.

Findings—Intent—Part headings not law—1993 c 336: See notes following RCW 28A.150.210.

Findings—1993 c 336: See note following RCW 28A.150.210.

Severability—1985 c 441: See note following RCW 28A.225.010.

Part-time students—Defined—Enrollment in public schools authorized: RCW 28A.150.350.

Private schools—Extension programs for parents to teach children in their custody: RCW 28A.195.010.

RCW 28A.200.020 Home-based instruction—Certain decisions responsibility of parent unless otherwise specified. The state hereby recognizes that parents who are causing their children to receive home-based instruction under RCW 28A.225.010(4) shall be subject only to those minimum state laws and regulations which are necessary to insure that a sufficient basic educational opportunity is provided to the children receiving such instruction. Therefore, all decisions relating to philosophy or doctrine, selection of books, teaching materials and curriculum, and methods, timing, and place in the provision or evaluation of home-based instruction shall be the responsibility of the parent except for matters specifically referred to in this chapter. [1990 c 33 § 179; 1985 c 441 § 3. Formerly RCW 28A.27.320.]

Severability—1985 c 441: See note following RCW 28A.225.010.

Chapter 28A.225 RCW
COMPULSORY SCHOOL ATTENDANCE AND ADMISSION

Sections

28A.225.005 Compulsory education, requirements—Informing students and parents annually.
28A.225.010 Attendance mandatory—Age—Exceptions.
28A.225.015 Attendance mandatory—Six or seven year olds—Unexcused absences—Petition.
28A.225.020 School's duties upon child's failure to attend school.
28A.225.025 Community truancy boards.
28A.225.030 Petition to juvenile court for violations by a parent or child—School district responsibilities.
28A.225.031 Alcohol or controlled substances testing—Authority to order.
28A.225.035 Petition to juvenile court—Contents—Court action—Referral to community truancy board—Transfer of jurisdiction upon relocation.
28A.225.060 Custody and disposition of child absent from school without excuse.
28A.225.080 Employment permits.
28A.225.090 Court orders—Penalties—Parents' defense.
28A.225.095 Authority of court commissioners and family law commissioners to hear cases under this chapter.
28A.225.110 Fines applied to support of schools.
28A.225.115 Educational services—Funding for children referred to community truancy board.
28A.225.140 Enforcing officers not personally liable for costs.
28A.225.151 Reports.
28A.225.160 Qualification for admission to district's schools—Fees for preadmission screening.
28A.225.170 Children on United States reservations, admission to schools—United States authorities to cooperate.
28A.225.200 Education of pupils in another district—Limitation as to state apportionment—Exemption.
28A.225.210 Admission of district pupils tuition free.
28A.225.215 Enrollment of children without legal residences.
28A.225.220 Adults, children from other districts, agreements for attending school—Tuition.
28A.225.225 Applications from nonresident students or students receiving home-based instruction to attend district school—Acceptance and rejection standards—Notification.
28A.225.230 Appeal from certain decisions to deny student's request to attend nonresident district—Procedure.
28A.225.240 Apportionment credit.
28A.225.250 Cooperative programs among school districts—Rules.
28A.225.260 Reciprocity exchanges with other states.
28A.225.270 Intradistrict enrollment options policies.
28A.225.280 Transfer students' eligibility for extracurricular activities.
28A.225.290 Enrollment options information booklet.
28A.225.300 Enrollment options information to parents.
28A.225.310 Attendance in school district of choice—Impact on existing cooperative arrangements.
28A.225.330 Enrolling students from other districts—Requests for information and permanent records—Withheld transcripts, effect—Immunity from liability—Notification to teachers and security personnel—Rules.

RCW 28A.225.005 Compulsory education, requirements—Informing students and parents annually. Each school within a school district shall inform the students and the parents of the students enrolled in the school about the compulsory education requirements under this chapter. The school shall distribute the information at least annually. [1992 c 205 § 201.]

Part headings not law—Severability—1992 c 205: See notes following RCW 13.40.010.

RCW 28A.225.010 Attendance mandatory—Age—Exceptions. (1) All parents in this state of any child eight years of age and under eighteen years of age shall cause such child to attend the public school of the district in which the child resides and such child shall have the responsibility to and therefore shall attend for the full time when such school may be in session unless:

(a) The child is attending an approved private school for the same time or is enrolled in an extension program as provided in RCW 28A.195.010(4);

(b) The child is receiving home-based instruction as provided in subsection (4) of this section;

(c) The child is attending an education center as provided in chapter 28A.205 RCW;

(d) The school district superintendent of the district in which the child resides shall have excused such child from attendance because the child is physically or mentally unable to attend school, is attending a residential school operated by the department of social and health services, is incarcerated in an adult correctional facility, or has been temporarily excused upon the request of his or her parents for purposes agreed upon by the school authorities and the parent: PROVIDED, That such excused absences shall not be permitted if deemed to cause a serious adverse effect upon the student's educational progress: PROVIDED FURTHER, That students excused for such temporary absences may be claimed as full time equivalent students to the extent they would otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260 and shall not affect school district compliance with the provisions of RCW 28A.150.220; or

(e) The child is sixteen years of age or older and:

(i) The child is regularly and lawfully employed and either the parent agrees that the child should not be required to attend school or the child is emancipated in accordance with chapter 13.64 RCW;

(ii) The child has already met graduation requirements in accordance with state board of education rules and regulations; or

(iii) The child has received a certificate of educational competence under rules and regulations established by the state board of education under RCW 28A.305.190.

(2) A parent for the purpose of this chapter means a parent, guardian, or person having legal custody of a child.

(3) An approved private school for the purposes of this chapter and chapter 28A.200 RCW shall be one approved under regulations established by the state board of education pursuant to RCW 28A.305.130.

(4) For the purposes of this chapter and chapter 28A.200 RCW, instruction shall be home-based if it consists of planned and supervised instructional and related educational activities, including a curriculum and instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of an appreciation of art and music, provided for a number of hours equivalent to the total annual program hours per grade level established for approved private schools under RCW 28A.195.010 and 28A.195.040 and if such activities are:

(a) Provided by a parent who is instructing his or her child only and are supervised by a certificated person. A certificated person for purposes of this chapter and chapter 28A.200 RCW shall be a person certified under chapter 28A.410 RCW. For purposes of this section, "supervised by a certificated person" means: The planning by the certificated person and the parent of objectives consistent with this subsection; a minimum each month of an average of one contact hour per week with the child being supervised by the certificated person; and evaluation of such child's progress by the certificated person. The number of children supervised by the certificated person shall not exceed thirty for purposes of this subsection; or

(b) Provided by a parent who is instructing his or her child only and who has either earned forty-five college level quarter credit hours or its equivalent in semester hours or has completed a course in home-based instruction at a postsecondary institution or a vocational-technical institute; or

(c) Provided by a parent who is deemed sufficiently qualified to provide home-based instruction by the superintendent of the local school district in which the child resides.

(5) The legislature recognizes that home-based instruction is less structured and more experiential than the instruction normally provided in a classroom setting. Therefore, the provisions of subsection (4) of this section relating to the nature and quantity of instructional and related educational activities shall be liberally construed. [1998 c 244 § 14; 1996 c 134 § 1; 1990 c 33 § 219; 1986 c 132 § 1; 1985 c 441 § 1; 1980 c 59 § 1; 1979 ex.s. c 201 § 4; 1973 c 51 § 1; 1972 ex.s. c 10 § 2. Prior: 1971 ex.s. c 215 § 2; 1971 ex.s. c 51 § 1; 1969 ex.s. c 109 § 2; 1969 ex.s. c 223 § 28A.27.010; prior: 1909 p 364 § 1; RRS § 5072; prior: 1907 c 240 § 7; 1907 c 231 § 1; 1905 c 162 § 1; 1903 c 48 § 1; 1901 c 177 § 11; 1899 c 140 § 1; 1897 c 118 § 71. Formerly RCW 28A.27.010, 28.27.010.]

Effective date—Severability—1998 c 244: See RCW 28A.193.900 and 28A.193.901.

Severability—1985 c 441: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1985 c 441 § 6.]

Severability—1973 c 51: "If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1973 c 51 § 5.]

Private schools: RCW 28A.305.130(6), 28A.195.010 through 28A.195.050.

Work permits for minors required: RCW 49.12.123.

RCW 28A.225.015 Attendance mandatory—Six or seven year olds—Unexcused absences—Petition. (1) If a parent enrolls a child who is six or seven years of age in a public school, the child is required to attend and that parent has the responsibility to ensure the child attends for the full time that school is in session. An exception shall be made to this requirement for children whose parents formally remove them from enrollment if the child is less than eight years old and a petition has not been filed against the parent under subsection (3) of this section. The requirement to attend school under this subsection does not apply to a child enrolled in a public school part-time for the purpose of receiving ancillary services. A child required to attend school under this subsection may be temporarily excused upon the request of his or her parent for purposes agreed upon by the school district and parent.

(2) If a six or seven year-old child is required to attend public school under subsection (1) of this section and that child has unexcused absences, the public school in which the child is enrolled shall:

(a) Inform the child's custodial parent, parents, or guardian by a notice in writing or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current school year;

(b) Request a conference or conferences with the custodial parent, parents, or guardian and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of the child's absences after two unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the second unexcused absence, then the school district may schedule this conference on that day; and

(c) Take steps to eliminate or reduce the child's absences. These steps shall include, where appropriate, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, offering assistance in enrolling the child in available alternative schools or programs, or assisting the parent or child to obtain supplementary services that may help eliminate or ameliorate the cause or causes for the absence from school.

(3) If a child required to attend public school under subsection (1) of this section has seven unexcused absences in a month or ten unexcused absences in a school year, the school district shall file a petition for civil action as provided in RCW 28A.225.035 against the parent of the child.

(4) This section does not require a six or seven year old child to enroll in a public or private school or to receive home-based instruction. This section only applies to six or seven year old children whose parents enroll them full time in public school and do not formally remove them from enrollment as provided in subsection (1) of this section. [1999 c 319 § 6.]

RCW 28A.225.020 School's duties upon child's failure to attend school. (1) If a child required to attend school under RCW 28A.225.010 fails to attend school without valid justification, the public school in which the child is enrolled shall:

(a) Inform the child's custodial parent, parents, or guardian by a notice in writing or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current school year. School

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officials shall inform the parent of the potential consequences of additional unexcused absences;

(b) Schedule a conference or conferences with the custodial parent, parents, or guardian and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of the child's absences after two unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the second unexcused absence, then the school district may schedule this conference on that day; and

(c) Take steps to eliminate or reduce the child's absences. These steps shall include, where appropriate, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, providing appropriate vocational courses or work experience, referring the child to a community truancy board, if available, requiring the child to attend an alternative school or program, or assisting the parent or child to obtain supplementary services that might eliminate or ameliorate the cause or causes for the absence from school. If the child's parent does not attend the scheduled conference, the conference may be conducted with the student and school official. However, the parent shall be notified of the steps to be taken to eliminate or reduce the child's absence.

(2) For purposes of this chapter, an "unexcused absence" means that a child:

(a) Has failed to attend the majority of hours or periods in an average school day or has failed to comply with a more restrictive school district policy; and

(b) Has failed to meet the school district's policy for excused absences.

(3) If a child transfers from one school district to another during the school year, the receiving school or school district shall include the unexcused absences accumulated at the previous school or from the previous school district for purposes of this section, RCW 28A.225.030, and 28A.225.015. [1999 c 319 § 1; 1996 c 134 § 2; 1995 c 312 § 67; 1992 c 205 § 202; 1986 c 132 § 2; 1979 ex.s. c 201 § 1. Formerly RCW 28A.27.020.]

Short title—1995 c 312: See note following RCW 13.32A.010.

Part headings not law—Severability—1992 c 205: See notes following RCW 13.40.010.

RCW 28A.225.025 Community truancy boards. For purposes of this chapter, "community truancy board" means a board composed of members of the local community in which the child attends school. Juvenile courts may establish and operate community truancy boards. If the juvenile court and the school district agree, a school district may establish and operate a community truancy board under the jurisdiction of the juvenile court. Juvenile courts may create a community truancy board or may use other entities that exist or are created, such as diversion units. However, a diversion unit or other existing entity must agree before it is used as a truancy board. Duties of a community truancy board shall include, but not be limited to, recommending methods for improving school attendance such as assisting the parent or the child to obtain supplementary services that might eliminate or ameliorate the causes for the absences or suggesting to the school district that the child enroll in another school, an alternative education program, an education center, a skill center, a dropout prevention program, or another public or private educational program. [1999 c 319 § 5; 1996 c 134 § 9; 1995 c 312 § 66.]

Evaluation—Expiration of section—1999 c 319: "If funds are appropriated by the legislature for this specific purpose, the superintendent of public instruction shall contract with the institute of [for] public policy or a similar agency to: Evaluate the effectiveness of the petition process and community truancy boards in chapter 28A.225 RCW in reducing truancy, determine whether students who do return to school after being subject to court action create disruptions for other students in the school, establish patterns of improved attendance, and successfully complete their education program, and determine the costs imposed on school districts by the petition process and other truancy-related procedural requirements required by the legislature in 1992 and thereafter.

The cost determination shall be submitted to the legislature by December 15, 1999. The evaluation shall be submitted to the appropriate committees of the legislature by December 15, 2000.

This section expires December 31, 2000." [1999 c 319 § 8.]

Short title—1995 c 312: See note following RCW 13.32A.010.

RCW 28A.225.030 Petition to juvenile court for violations by a parent or child—School district responsibilities. (1) If a child is required to attend school under RCW 28A.225.010 and if the actions taken by a school district under RCW 28A.225.020 are not successful in substantially reducing an enrolled student's absences from public school, not later than the seventh unexcused absence by a child within any month during the current school year or not later than the tenth unexcused absence during the current school year the school district shall file a petition and supporting affidavit for a civil action with the juvenile court alleging a violation of RCW 28A.225.010: (a) By the parent; (b) by the child; or (c) by the parent and the child. Except as provided in this subsection, no additional documents need be filed with the petition.

(2) The district shall not later than the fifth unexcused absence in a month:

(a) Enter into an agreement with a student and parent that establishes school attendance requirements;

(b) Refer a student to a community truancy board, if available, as defined in RCW 28A.225.025. The community truancy board shall enter into an agreement with the student and parent that establishes school attendance requirements and take other appropriate actions to reduce the child's absences; or

(c) File a petition under subsection (1) of this section.

(3) The petition may be filed by a school district employee who is not an attorney.

(4) If the school district fails to file a petition under this section, the parent of a child with five or more unexcused absences in any month during the current school year or upon the tenth unexcused absence during the current school year may file a petition with the juvenile court alleging a violation of RCW 28A.225.010.

(5) Petitions filed under this section may be served by certified mail, return receipt requested. If such service is unsuccessful, or the return receipt is not signed by the addressee, personal service is required. [1999 c 319 § 2; 1996 c 134 § 3; 1995 c 312 § 68; 1992 c 205 § 203; 1990 c 33 § 220; 1986 c 132 § 3; 1979 ex.s. c 201 § 2. Formerly RCW 28A.27.022.]

Short title—1995 c 312: See note following RCW 13.32A.010.

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Part headings not law—Severability—1992 c 205: See notes following RCW 13.40.010.

RCW 28A.225.031 Alcohol or controlled substances testing—Authority to order. The authority of a court to issue an order for testing to determine whether the child has consumed or used alcohol or controlled substances applies to all persons subject to a petition under RCW 28A.225.030 regardless of whether the petition was filed before July 27, 1997. [1997 c 68 § 3.]

RCW 28A.225.035 Petition to juvenile court—Contents—Court action—Referral to community truancy board—Transfer of jurisdiction upon relocation. (1) A petition for a civil action under RCW 28A.225.030 or 28A.225.015 shall consist of a written notification to the court alleging that:

(a) The child has unexcused absences during the current school year;

(b) Actions taken by the school district have not been successful in substantially reducing the child's absences from school; and

(c) Court intervention and supervision are necessary to assist the school district or parent to reduce the child's absences from school.

(2) The petition shall set forth the name, age, school, and residence of the child and the names and residence of the child's parents.

(3) The petition shall set forth facts that support the allegations in this section and shall generally request relief available under this chapter and provide information about what the court might order under RCW 28A.225.090.

(4) When a petition is filed under RCW 28A.225.030 or 28A.225.015, the juvenile court shall schedule a hearing at which the court shall consider the petition, or if the court determines that a referral to an available community truancy board would substantially reduce the child's unexcused absences, the court may refer the case to a community truancy board under the jurisdiction of the juvenile court.

(5) If a referral is made to a community truancy board, the truancy board must meet with the child, a parent, and the school district representative and enter into an agreement with the petitioner and respondent regarding expectations and any actions necessary to address the child's truancy within thirty days of the referral. If the petition is based on RCW 28A.225.015, the child shall not be required to attend and the agreement under this subsection shall be between the truancy board, the school district, and the child's parent. The agreement shall be presented to the juvenile court for its approval.

(6) The court shall approve the agreement by order or schedule a hearing. The court may, if the school district and community truancy board agree, permit the truancy board to provide continued supervision over the student, or parent if the petition is based on RCW 28A.225.015, and report on compliance with the order.

(7) If the truancy board fails to reach an agreement, the truancy board shall return the case to the juvenile court for a hearing.

(8) Notwithstanding the provisions in subsection (4) of this section, a hearing shall not be required if other actions by the court would substantially reduce the child's unexcused absences. When a juvenile court hearing is held, the court shall:

(a) Separately notify the child, the parent of the child, and the school district of the hearing;

(b) Notify the parent and the child of their rights to present evidence at the hearing; and

(c) Notify the parent and the child of the options and rights available under chapter 13.32A RCW.

(9) The court may require the attendance of the child if eight years old or older, the parents, and the school district at any hearing on a petition filed under RCW 28A.225.030.

(10) A school district is responsible for determining who shall represent the school district at hearings on a petition filed under RCW 28A.225.030 or 28A.225.015.

(11) The court may permit the first hearing to be held without requiring that either party be represented by legal counsel, and to be held without a guardian ad litem for the child under RCW 4.08.050. At the request of the school district, the court shall permit a school district representative who is not an attorney to represent the school district at any future hearings.

(12) If the allegations in the petition are established by a preponderance of the evidence, the court shall grant the petition and enter an order assuming jurisdiction to intervene for the period of time determined by the court, after considering the facts alleged in the petition and the circumstances of the juvenile, to most likely cause the juvenile to return to and remain in school while the juvenile is subject to this chapter. In no case may the order expire before the end of the school year in which it is entered.

(13) If the court assumes jurisdiction, the school district shall regularly report to the court any additional unexcused absences by the child.

(14) Community truancy boards and the courts shall coordinate, to the extent possible, proceedings and actions pertaining to children who are subject to truancy petitions and at-risk youth petitions in RCW 13.32A.191 or child in need of services petitions in RCW 13.32A.140.

(15) If after a juvenile court assumes jurisdiction in one county the child relocates to another county, the juvenile court in the receiving county shall, upon the request of a school district or parent, assume jurisdiction of the petition filed in the previous county. [1999 c 319 § 3; 1997 c 68 § 1. Prior: 1996 c 134 § 4; 1996 c 133 § 31; 1995 c 312 § 69.]

Findings—Short title—Intent—Construction—1996 c 133: See notes following RCW 13.32A.197.

Short title—1995 c 312: See note following RCW 13.32A.010.

RCW 28A.225.060 Custody and disposition of child absent from school without excuse. Any school district official, sheriff, deputy sheriff, marshal, police officer, or any other officer authorized to make arrests, may take into custody without a warrant a child who is required under the provisions of RCW 28A.225.010 through 28A.225.140 to attend school and is absent from school without an approved excuse, and shall deliver the child to: (1) The custody of a person in parental relation to the child; (2) the school from which the child is absent; or (3) a program designated by the school district. [1995 c 312 § 73; 1990 c 33 s 223; 197[illegible] ex.s. c 201 s 5; 1977 ex.s. c 291 s 52; 1969 ex.s. c 223 s

28A.27.070. Prior: 1909 c 97 p 366 s 5; RRS s 5076; prior: 1907 c 231 s 5; 1905 c 162 s 5. Formerly RCW 28A.27.070, 28.27.070.]

Short title—1995 c 312: See note following RCW 13.32A.010.

Effective dates—Severability—1977 ex.s. c 291: See notes following RCW 13.04.005.

RCW 28A.225.080 Employment permits. Except as otherwise provided in this code, no child under the age of fifteen years shall be employed for any purpose by any person, company or corporation, in this state during the hours which the public schools of the district in which such child resides are in session, unless the said child shall present a certificate from a school superintendent as provided for in RCW 28A.225.010, excusing the said child from attendance in the public schools and setting forth the reason for such excuse, the residence and age of the child, and the time for which such excuse is given. Every owner, superintendent, or overseer of any establishment, company or corporation shall keep such certificate on file so long as such child is employed by him or her. The form of said certificate shall be furnished by the superintendent of public instruction. Proof that any child under fifteen years of age is employed during any part of the period in which public schools of the district are in session, shall be deemed prima facie evidence of a violation of this section. [1990 c 33 § 225; 1969 ex.s. c 223 § 28A.27.090. Prior: 1909 c 97 p 365 § 2; RRS § 5073; prior: 1907 c 231 § 2; 1905 c 162 § 2; 1903 c 48 § 2. Formerly RCW 28A.27.090, 28.27.090.]

RCW 28A.225.090 Court orders—Penalties—Parents' defense. *(Effective until July 1, 2002.)* (1) A court may order a child subject to a petition under RCW 28A.225.035 to do one or more of the following:

(a) Attend the child's current school, and set forth minimum attendance requirements, including suspensions;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) Be referred to a community truancy board, if available; or

(e) Submit to testing for the use of controlled substances or alcohol based on a determination that such testing is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law and, if any test ordered under this subsection indicates the use of controlled substances or alcohol, order the minor to abstain from the unlawful consumption of controlled substances or alcohol and adhere to the recommendations of the drug assessment at no expense to the school.

(2) If the child fails to comply with the court order, the court may order the child to be placed in confinement for contempt, either in a juvenile detention facility operated by or under a contract with a county or in a secure facility that is a separate, secure section of a juvenile detention facility, or may impose alternatives to confinement such as community service. Failure by a child to comply with an order issued under this subsection shall not be subject to detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW. In no case may a child in contempt be confined in a secure facility that is freestanding outside a juvenile detention facility.

(3) Any parent violating any of the provisions of either RCW 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community service instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

(4) If a child continues to be truant after entering into a court-approved order with the truancy board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as meaningful community service. Failure by a child to comply with an order issued under this subsection may not subject a child to detention for a period greater than that permitted under a civil contempt proceeding against a child under chapter 13.32A RCW.

(5) Subsections (1), (2), and (4) of this section shall not apply to a six or seven year-old child required to attend public school under RCW 28A.225.015. [2000 c 162 § 6; 2000 c 61 § 1; 1999 c 319 § 4; 1998 c 296 § 39; 1997 c 68 § 2. Prior: 1996 c 134 § 6; 1996 c 133 § 32; 1995 c 312 § 74; 1992 c 205 § 204; 1990 c 33 § 226; 1987 c 202 § 189; 1986 c 132 § 5; 1979 ex.s. c 201 § 6; 1969 ex.s. c 223 § 28A.27.100; prior: 1909 c 97 p 365 § 3; RRS § 5074; prior:

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1907 c 231 § 3; 1905 c 162 § 3. Formerly RCW 28A.27.100, 28.27.100.]

Reviser's note: This section was amended by 2000 c 61 § 1 and by 2000 c 162 § 6, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Findings—Intent—1998 c 296 §§ 36-39: See note following RCW 7.21.030.

Findings—Intent—Part headings not law—Short title—1998 c 296: See notes following RCW 74.13.025.

Findings—Short title—Intent—Construction—1996 c 133: See notes following RCW 13.32A.197.

Short title—1995 c 312: See note following RCW 13.32A.010.

Part headings not law—Severability—1992 c 205: See notes following RCW 13.40.010.

Intent—1987 c 202: See note following RCW 2.04.190.

RCW 28A.225.090 Court orders—Penalties—Parents' defense. *(Effective July 1, 2002.)* (1) A court may order a child subject to a petition under RCW 28A.225.035 to do one or more of the following:

(a) Attend the child's current school, and set forth minimum attendance requirements, including suspensions;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) Be referred to a community truancy board, if available; or

(e) Submit to testing for the use of controlled substances or alcohol based on a determination that such testing is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law and, if any test ordered under this subsection indicates the use of controlled substances or alcohol, order the minor to abstain from the unlawful consumption of controlled substances or alcohol and adhere to the recommendations of the drug assessment at no expense to the school.

(2) If the child fails to comply with the court order, the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as community service. Failure by a child to comply with an order issued under this subsection shall not be subject to detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW.

(3) Any parent violating any of the provisions of either RCW 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community service instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

(4) If a child continues to be truant after entering into a court-approved order with the truancy board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as meaningful community service. Failure by a child to comply with an order issued under this subsection may not subject a child to detention for a period greater than that permitted under a civil contempt proceeding against a child under chapter 13.32A RCW.

(5) Subsections (1), (2), and (4) of this section shall not apply to a six or seven year-old child required to attend public school under RCW 28A.225.015. [2000 c 162 § 15; 2000 c 162 § 6; 2000 c 61 § 1; 1999 c 319 § 4; 1998 c 296 § 39; 1997 c 68 § 2. Prior: 1996 c 134 § 6; 1996 c 133 § 32; 1995 c 312 § 74; 1992 c 205 § 204; 1990 c 33 § 226; 1987 c 202 § 189; 1986 c 132 § 5; 1979 ex.s. c 201 § 6; 1969 ex.s. c 223 § 28A.27.100; prior: 1909 c 97 p 365 § 3; RRS § 5074; prior: 1907 c 231 § 3; 1905 c 162 § 3. Formerly RCW 28A.27.100, 28.27.100.]

Reviser's note: This section was amended by 2000 c 61 § 1 and by 2000 c 162 § 15, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date—2000 c 162 §§ 11-17: See note following RCW 13.32A.060.

Findings—Intent—1998 c 296 §§ 36-39: See note following RCW 7.21.030.

Findings—Intent—Part headings not law—Short title—1998 c 296: See notes following RCW 74.13.025.

Findings—Short title—Intent—Construction—1996 c 133: See notes following RCW 13.32A.197.

Short title—1995 c 312: See note following RCW 13.32A.010.

Part headings not law—Severability—1992 c 205: See notes following RCW 13.40.010.

Intent—1987 c 202: See note following RCW 2.04.190.

RCW 28A.225.095 Authority of court commissioners and family law commissioners to hear cases under

this chapter. In any judicial district having a court commissioner, the court commissioner shall have the power, authority, and jurisdiction, concurrent with a juvenile court judge, to hear all cases under RCW 28A.225.030, 28A.225.090, and 28A.225.035 and to enter judgment and make orders with the same power, force, and effect as any judge of the juvenile court, subject to motion or demand by any party within ten days from the entry of the order or judgment by the court commissioner as provided in RCW 2.24.050. In any judicial district having a family law commissioner appointed pursuant to chapter 26.12 RCW, the family law commissioner shall have the power, authority, and jurisdiction, concurrent with a juvenile court judge, to hear cases under RCW 28A.225.030, 28A.225.090, and 28A.225.035 and to enter judgment and make orders with the same power, force, and effect as any judge of the juvenile court, subject to motion or demand by any party within ten days from the entry of the order or judgment by the court commissioner as provided in RCW 2.24.050. [1995 c 312 § 71.]

Effective dates—1995 c 312 §§ 71 and 82: "(1) Section 71 of this act shall take effect September 1, 1995.

(2) Section 82 of this act shall take effect September 1, 1996." [1995 c 312 § 85.]

Short title—1995 c 312: See note following RCW 13.32A.010.

RCW 28A.225.110 Fines applied to support of schools. Notwithstanding the provisions of RCW 10.82.070, fifty percent of all fines except as otherwise provided in RCW 28A.225.010 through 28A.225.140 shall be applied to the support of the public schools in the school district where such offense was committed: PROVIDED, That all fees, fines, forfeitures, and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW, and fifty percent shall be paid to the county treasurer who shall deposit such amount to the credit of the courts in the county for the exclusive purpose of enforcing the provisions of RCW 28A.225.010 through 28A.225.140. [1995 c 312 § 75; 1990 c 33 § 228; 1987 c 202 § 191; 1969 ex.s. c 199 § 54; 1969 ex.s. c 223 § 28A.27.104. Prior: 1909 c 97 p 368 § 11; RRS § 5082; prior: 1907 c 231 § 12; 1905 c 162 § 11. Formerly RCW 28A.27.104, 28.27.104, 28.27.100, part.]

Short title—1995 c 312: See note following RCW 13.32A.010.

Intent—1987 c 202: See note following RCW 2.04.190.

RCW 28A.225.115 Educational services—Funding for children referred to community truancy board. The superintendent of public instruction, subject to available funding, shall allocate funds to provide educational services for children who have been referred to a community truancy board or to the courts under RCW 28A.225.030. The funds shall be used on behalf of such children for enrollment in skill centers, education centers, alternative programs, and in other public or private educational programs. Decisions regarding the expenditure of the funds shall be made by the community truancy board or the courts, whichever is applicable. The amount of the assistance for each child shall be determined in accordance with the omnibus appropriations act. These funds shall be in excess of any other funds provided through RCW 28A.150.260 as basic education and other state, federal, or local sources. [1996 c 134 § 11.]

RCW 28A.225.140 Enforcing officers not personally liable for costs. No officer performing any duty under any of the provisions of RCW 28A.225.010 through 28A.225.140, or under the provisions of any rules that may be passed in pursuance hereof, shall in any wise become liable for any costs that may accrue in the performance of any duty prescribed by RCW 28A.225.010 through 28A.225.140. [1990 c 33 § 231; 1969 ex.s. c 223 § 28A.27.130. Prior: 1909 c 97 p 368 § 12; RRS § 5083; prior: 1907 c 231 § 13; 1905 c 162 § 12. Formerly RCW 28A.27.130, 28.27.130.]

RCW 28A.225.151 Reports. (1) As required under subsection (2) of this section, each school shall document the actions taken under RCW 28A.225.030 and report this information to the school district superintendent who shall compile the data for all the schools in the district and prepare an annual school district report for each school year and submit the report to the superintendent of public instruction. The reports shall be made upon forms furnished by the superintendent of public instruction and shall be transmitted as determined by the superintendent of public instruction.

(2) The reports under subsection (1) of this section shall include:

(a) The number of enrolled students and the number of unexcused absences;

(b) Documentation of the steps taken by the school district under each subsection of RCW 28A.225.020 at the request of the superintendent of public instruction. Each year, by May 1st, the superintendent of public instruction shall select ten school districts to submit the report at the end of the following school year. The ten districts shall represent different areas of the state and be of varied sizes. In addition, the superintendent of public instruction shall require any district that fails to keep appropriate records to submit a full report to the superintendent of public instruction under this subsection. All school districts shall document steps taken under RCW 28A.225.020 in each student's record, and make those records available upon request consistent with the laws governing student records;

(c) The number of enrolled students with ten or more unexcused absences in a school year or five or more unexcused absences in a month during a school year;

(d) A description of any programs or schools developed to serve students who have had five or more unexcused absences in a month or ten in a year including information about the number of students in the program or school and the number of unexcused absences of students during and after participation in the program. The school district shall also describe any placements in an approved private nonsectarian school or program or certified program under a court order under RCW 28A.225.090; and

(e) The number of petitions filed by a school district with the juvenile court.

(3) A report required under this section shall not disclose the name or other identification of a child or parent.

(4) The superintendent of public instruction shall collect these reports from all school districts and prepare an annual report for each school year to be submitted to the legislature

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no later than December 15th of each year. [1996 c 134 § 5; 1995 c 312 § 72.]

Short title—1995 c 312: See note following RCW 13.32A.010.

RCW 28A.225.160 Qualification for admission to district's schools—Fees for preadmission screening. Except as otherwise provided by law, it is the general policy of the state that the common schools shall be open to the admission of all persons who are five years of age and less than twenty-one years residing in that school district. Except as otherwise provided by law or rules adopted by the state board of education, districts may establish uniform entry qualifications, including but not limited to birth date requirements, for admission to kindergarten and first grade programs of the common schools. Such rules may provide for exceptions based upon the ability, or the need, or both, of an individual student. For the purpose of complying with any rule adopted by the state board of education which authorizes a preadmission screening process as a prerequisite to granting exceptions to the uniform entry qualifications, a school district may collect fees to cover expenses incurred in the administration of any preadmission screening process: PROVIDED, That in so establishing such fee or fees, the district shall adopt regulations for waiving and reducing such fees in the cases of those persons whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees. [1999 c 348 § 5; 1986 c 166 § 1; 1979 ex.s. c 250 § 4; 1977 ex.s. c 359 § 14; 1969 ex.s. c 223 § 28A.58.190. Prior: 1909 c 97 p 261 § 1, part; RRS § 4680, part; prior: 1897 c 118 § 64, part; 1890 p 371 § 44, part. Formerly RCW 28A.58.190, 28.58.190 part, 28.01.060.]

Intent—1999 c 348: See note following RCW 28A.205.010.

Effective date—Severability—1979 ex.s. c 250: See notes following RCW 28A.150.220.

Effective date—Severability—1977 ex.s. c 359: See notes following RCW 28A.150.200.

Basic Education Act, RCW 28A.225.160 as part of: RCW 28A.150.200.

RCW 28A.225.170 Children on United States reservations, admission to schools—United States authorities to cooperate. Any child who is of school age and otherwise eligible residing within the boundaries of any military, naval, lighthouse, or other United States reservation, national park or national forest or residing upon rented or leased undeeded lands within any Indian reservation within the state of Washington, shall be admitted to the public school, or schools, of any contiguous district without payment of tuition: PROVIDED, That the United States authorities in charge of such reservation or park shall cooperate fully with state, county, and school district authorities in the enforcement of the laws of this state relating to the compulsory attendance of children of school age, and all laws relating to and regulating school attendance. [1969 ex.s. c 223 § 28A.58.210. Prior: 1945 c 141 § 10; 1933 c 28 § 10; 1925 ex.s. c 93 § 1; Rem. Supp. 1945 § 4680-1. Formerly RCW 28A.58.210, 28.58.210, 28.27.140.]

RCW 28A.225.200 Education of pupils in another district—Limitation as to state apportionment—Exemption. (1) A local district may be authorized by the educational service district superintendent to transport and educate its pupils in other districts for one year, either by payment of a compensation agreed upon by such school districts, or under other terms mutually satisfactory to the districts concerned when this will afford better educational facilities for the pupils and when a saving may be effected in the cost of education: PROVIDED, That notwithstanding any other provision of law, the amount to be paid by the state to the resident school district for apportionment purposes and otherwise payable pursuant to RCW 28A.150.100, 28A.150.250 through 28A.150.290, 28A.150.350 through 28A.150.410, 28A.160.150 through 28A.160.200, *28A.160.220, 28A.300.170, and 28A.500.010 shall not be greater than the regular apportionment for each high school student of the receiving district. Such authorization may be extended for an additional year at the discretion of the educational service district superintendent.

(2) Subsection (1) of this section shall not apply to districts participating in a cooperative project established under RCW 28A.340.030 which exceeds two years in duration. [1990 c 33 § 234; 1988 c 268 § 6; 1979 ex.s. c 140 § 1; 1975 1st ex.s. c 275 § 111; 1969 ex.s. c 176 § 141; 1969 ex.s. c 223 § 28A.58.225. Prior: 1965 ex.s. c 154 § 10. Formerly RCW 28A.58.225, 28.24.110.]

*Reviser's note: RCW 28A.160.220 was recodified as RCW 28A.300.035 pursuant to 1994 c 113 § 2.

Findings—Severability—1988 c 268: See notes following RCW 28A.340.010.

Severability—1979 ex.s. c 140: "If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 ex.s. c 140 § 4.]

Rights preserved—Severability—1969 ex.s. c 176: See notes following RCW 28A.310.010.

RCW 28A.225.210 Admission of district pupils tuition free. Every school district shall admit on a tuition free basis all persons of school age who reside within this state, and do not reside within another school district carrying the grades for which they are eligible to enroll: PROVIDED, That nothing in this section shall be construed as affecting RCW 28A.225.220 or 28A.225.250. [1990 c 33 § 235; 1983 c 3 § 37; 1969 c 130 § 9; 1969 ex.s. c 223 § 28A.58.230. Prior: 1917 c 21 § 9; RRS § 4718. Formerly RCW 28A.58.230, 28.58.230.]

Designation of high school district nonhigh district students shall attend—Effect when attendance otherwise: RCW 28A.540.110.

Education of children with disabilities: RCW 28A.155.050.

RCW 28A.225.215 Enrollment of children without legal residences. (1) A school district shall not require proof of residency or any other information regarding an address for any child who is eligible by reason of age for the services of the school district if the child does not have a legal residence.

(2) A school district shall enroll a child without a legal residence under subsection (1) of this section at the request of the child or parent or guardian of the child. [1989 c 118 § 1. Formerly RCW 28A.58.235.]

RCW 28A.225.220 Adults, children from other districts, agreements for attending school—Tuition. (1) Any board of directors may make agreements with adults choosing to attend school, and may charge the adults reasonable tuition.

(2) A district is strongly encouraged to honor the request of a parent or guardian for his or her child to attend a school in another district or the request of a parent or guardian for his or her child to transfer as a student receiving home-based instruction.

(3) A district shall release a student to a nonresident district that agrees to accept the student if:

(a) A financial, educational, safety, or health condition affecting the student would likely be reasonably improved as a result of the transfer; or

(b) Attendance at the school in the nonresident district is more accessible to the parent's place of work or to the location of child care; or

(c) There is a special hardship or detrimental condition.

(4) A district may deny the request of a resident student to transfer to a nonresident district if the release of the student would adversely affect the district's existing desegregation plan.

(5) For the purpose of helping a district assess the quality of its education program, a resident school district may request an optional exit interview or questionnaire with the parents or guardians of a child transferring to another district. No parent or guardian may be forced to attend such an interview or complete the questionnaire.

(6) Beginning with the 1993-94 school year, school districts may not charge transfer fees or tuition for nonresident students enrolled under subsection (3) of this section and RCW 28A.225.225. Reimbursement of a high school district for cost of educating high school pupils of a nonhigh school district shall not be deemed a transfer fee as affecting the apportionment of current state school funds. [1995 c 335 § 602; 1995 c 52 § 2; 1993 c 336 § 1008; 1990 1st ex.s. c 9 § 201; 1969 c 130 § 10; 1969 ex.s. c 223 § 28A.58.240. Prior: 1963 c 47 § 2; prior: 1921 c 44 § 1, part; 1899 c 142 § 8, part; RRS § 4780, part. Formerly RCW 28A.58.240, 28.58.240.]

Reviser's note: This section was amended by 1995 c 52 § 2 and by 1995 c 335 § 602, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Part headings, table of contents not law—1995 c 335: See note following RCW 28A.150.360.

Findings—Intent—Part headings not law—1993 c 336: See notes following RCW 28A.150.210.

Findings—1993 c 336: See note following RCW 28A.150.210.

Finding—1990 1st ex.s. c 9: "The legislature finds that academic achievement of Washington students can and should be improved. The legislature further finds that student success depends, in large part, on increased parental involvement in their children's education.

In order to take another step toward improving education in Washington, it is the purpose of this act to enhance the ability of parents to exercise choice in where they prefer their children attend school, inform parents of their options under local policies and state law for the intradistrict and interdistrict enrollment of their children, and provide additional program opportunities for secondary students." [1990 1st ex.s. c 9 § 101.]

Severability—1990 1st ex.s. c 9: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1990 1st ex.s. c 9 § 502.]

Education of children with disabilities: RCW 28A.155.040, 28A.155.050.

RCW 28A.225.225 Applications from nonresident students or students receiving home-based instruction to attend district school—Acceptance and rejection standards—Notification. (1) All districts accepting applications from nonresident students or from students receiving home-based instruction for admission to the district's schools shall consider equally all applications received. Each school district shall adopt a policy establishing rational, fair, and equitable standards for acceptance and rejection of applications by June 30, 1990. The policy may include rejection of a nonresident student if:

(a) Acceptance of a nonresident student would result in the district experiencing a financial hardship;

(b) The student's disciplinary records indicate a history of convictions for offenses or crimes, violent or disruptive behavior, or gang membership; or

(c) The student has been expelled or suspended from a public school for more than ten consecutive days. Any policy allowing for readmission of expelled or suspended students under this subsection (1)(c) must apply uniformly to both resident and nonresident applicants.

For purposes of subsection (1)(b) of this section, "gang" means a group which: (i) Consists of three or more persons; (ii) has identifiable leadership; and (iii) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes.

(2) The district shall provide to applicants written notification of the approval or denial of the application in a timely manner. If the application is rejected, the notification shall include the reason or reasons for denial and the right to appeal under RCW 28A.225.230(3). [1999 c 198 § 2; 1997 c 265 § 3; 1995 c 52 § 3; 1994 c 293 § 1; 1990 1st ex.s. c 9 § 203.]

Severability—1997 c 265: See note following RCW 13.40.160.

Captions, headings not law—1990 1st ex.s. c 9: "Part headings and section headings do not constitute any part of the law." [1990 1st ex.s. c 9 § 501.]

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

RCW 28A.225.230 Appeal from certain decisions to deny student's request to attend nonresident district—Procedure. (1) The decision of a school district within which a student under the age of twenty-one years resides or of a school district within which such a student under the age of twenty-one years was last enrolled and is considered to be a resident for attendance purposes by operation of law, to deny such student's request for release to a nonresident school district pursuant to RCW 28A.225.220 may be appealed to the superintendent of public instruction or his or her designee: PROVIDED, That the school district of proposed transfer is willing to accept the student.

(2) The superintendent of public instruction or his or her designee shall hear the appeal and examine the evidence. The superintendent of public instruction may order the resident district to release such a student who is under the age of twenty-one years if the requirements of RCW 28A.225.220 have been met. The decision of the superintendent of public instruction may be appealed to superior court

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pursuant to chapter 34.05 RCW, the administrative procedure act, as now or hereafter amended.

(3) The decision of a school district to deny the request for accepting the transfer of a nonresident student under RCW 28A.225.225 may be appealed to the superintendent of public instruction or his or her designee. The superintendent or his or her designee shall hear the appeal and examine the evidence. The superintendent of public instruction may order the district to accept the nonresident student if the district did not comply with the standards and procedures adopted under RCW 28A.225.225. The decision of the superintendent of public instruction may be appealed to the superior court under chapter 34.05 RCW. [1990 1st ex.s. c 9 § 204; 1990 c 33 § 236; 1977 c 50 § 1; 1975 1st ex.s. c 66 § 1. Formerly RCW 28A.58.242.]

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

Severability—1975 1st ex.s. c 66: "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1975 1st ex.s. c 66 § 4.]

Designation of high school district nonhigh district students shall attend—Effect when attendance otherwise: RCW 28A.540.110.

RCW 28A.225.240 Apportionment credit. If a student under the age of twenty-one years is allowed to enroll in any common school outside the school district within which the student resides or a school district of which the student is considered to be a resident for attendance purposes by operation of law, the student's attendance shall be credited to the nonresident school district of enrollment for state apportionment and all other purposes. [1975 1st ex.s. c 66 § 2. Formerly RCW 28A.58.243.]

Severability—1975 1st ex.s. c 66: See note following RCW 28A.225.230.

RCW 28A.225.250 Cooperative programs among school districts—Rules. (1) The state superintendent of public instruction is directed and authorized to develop and adopt rules governing cooperative programs between and among school districts and educational service districts that the superintendent deems necessary to assure:

(a) Correct calculation of state apportionment payments;

(b) Proper budgeting and accounting for interdistrict cooperative program revenues and expenditures;

(c) Reporting of student, personnel, and fiscal data to meet state needs; and

(d) Protection of the right of residents of Washington under twenty-one years of age to a tuition-free program of basic education.

(2) Unless specifically authorized in law, interdistrict cooperative programs shall not be designed to systematically increase state allocation above amounts required if services were provided by the resident school district. [1995 c 335 § 603; 1969 c 130 § 11. Formerly RCW 28A.58.243.]

Part headings, table of contents not law—1995 c 335: See note following RCW 28A.150.360.

Education of children with disabilities: RCW 28A.155.040, 28A.155.050.

RCW 28A.225.260 Reciprocity exchanges with other states. If the laws of another state permit its school districts to extend similar privileges to pupils resident in this state, the board of directors of any school district contiguous to a school district in such other state may make agreements with the officers of the school district of that state for the attendance of any pupils resident therein upon the payment of tuition.

If a district accepts out-of-state pupils whose resident district is contiguous to a Washington school district, such district shall charge and collect the cost for educating such pupils and shall not include such out-of-state pupils in the computation of the district's share of state and/or county funds.

The board of directors of any school district which is contiguous to a school district in another state may make agreements for and pay tuition for any children of their district desiring to attend school in the contiguous district of the other state. The tuition to be paid for the attendance of resident pupils in an out-of-state school as provided in this section shall be no greater than the cost of educating such elementary or secondary pupils, as the case may be, in the out-of-state educating district. [1969 ex.s. c 223 § 28A.58.250. Prior: 1963 c 47 § 3; prior: 1921 c 44 § 1, part; 1899 c 142 § 8, part; RRS § 4780, part. Formerly RCW 28A.58.250, 28.58.250.]

Education of children with disabilities: RCW 28A.155.040.

RCW 28A.225.270 Intradistrict enrollment options policies. Each school district in the state shall adopt and implement a policy allowing intradistrict enrollment options no later than June 30, 1990. Each district shall establish its own policy establishing standards on how the intradistrict enrollment options will be implemented. [1990 1st ex.s. c 9 § 205.]

Captions, headings not law—1990 1st ex.s. c 9: See note following RCW 28A.225.225.

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

RCW 28A.225.280 Transfer students' eligibility for extracurricular activities. Eligibility of transfer students under RCW 28A.225.220 and 28A.225.225 for participation in extracurricular activities shall be subject to rules adopted by the Washington interscholastic activities association as authorized by the state board of education. [1990 1st ex.s. c 9 § 206.]

Captions, headings not law—1990 1st ex.s. c 9: See note following RCW 28A.225.225.

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

RCW 28A.225.290 Enrollment options information booklet. (1) The superintendent of public instruction shall prepare and annually distribute an information booklet outlining parents' and guardians' enrollment options for their children.

(2) Before the 1991-92 school year, the booklet shall be distributed to all school districts by the office of the superintendent of public instruction. School districts shall have a copy of the information booklet available for public inspection at each school in the district, at the district office, and in public libraries.

(3) The booklet shall include:

(a) Information about enrollment options and program opportunities, including but not limited to programs in RCW 28A.225.220, 28A.185.040, 28A.225.200 through 28A.225.215, 28A.225.230 through 28A.225.250, *28A.175.090, 28A.340.010 through 28A.340.070 (small high school cooperative projects), and 28A.335.160.

(b) Information about the running start - community college or vocational-technical institute choice program under RCW 28A.600.300 through **28A.600.395; and

(c) Information about the seventh and eighth grade choice program under RCW 28A.230.090. [1990 1st ex.s. c 9 § 207.]

Reviser's note: *(1) RCW 28A.175.090 expired December 31, 1994.
**(2) RCW 28A.600.395 was repealed by 1994 c 205 § 12.

Captions, headings not law—1990 1st ex.s. c 9: See note following RCW 28A.225.225.

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

RCW 28A.225.300 Enrollment options information to parents. Each school district board of directors annually shall inform parents of the district's intradistrict and interdistrict enrollment options and parental involvement opportunities. Information on intradistrict enrollment options and interdistrict acceptance policies shall be provided to nonresidents on request. [1990 1st ex.s. c 9 § 208.]

Captions, headings not law—1990 1st ex.s. c 9: See note following RCW 28A.225.225.

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

RCW 28A.225.310 Attendance in school district of choice—Impact on existing cooperative arrangements. Any school district board of directors may make arrangements with the board of directors of other districts for children to attend the school district of choice. Nothing under RCW 28A.225.220 and 28A.225.225 is intended to adversely affect agreements between school districts in effect on April 11, 1990. [1990 1st ex.s. c 9 § 209.]

Captions, headings not law—1990 1st ex.s. c 9: See note following RCW 28A.225.225.

Finding—Severability—1990 1st ex.s. c 9: See notes following RCW 28A.225.220.

RCW 28A.225.330 Enrolling students from other districts—Requests for information and permanent records—Withheld transcripts, effect—Immunity from liability—Notification to teachers and security personnel—Rules. (1) When enrolling a student who has attended school in another school district, the school enrolling the student may request the parent and the student to briefly indicate in writing whether or not the student has:

(a) Any history of placement in special educational programs;

(b) Any past, current, or pending disciplinary action;

(c) Any history of violent behavior, or behavior listed in RCW 13.04.155;

(d) Any unpaid fines or fees imposed by other schools; and

(e) Any health conditions affecting the student's educational needs.

(2) The school enrolling the student shall request the school the student previously attended to send the student's permanent record including records of disciplinary action, history of violent behavior or behavior listed in RCW 13.04.155, attendance, immunization records, and academic performance. If the student has not paid a fine or fee under RCW 28A.635.060, or tuition, fees, or fines at approved private schools the school may withhold the student's official transcript, but shall transmit information about the student's academic performance, special placement, immunization records, records of disciplinary action, and history of violent behavior or behavior listed in RCW 13.04.155. If the official transcript is not sent due to unpaid tuition, fees, or fines, the enrolling school shall notify both the student and parent or guardian that the official transcript will not be sent until the obligation is met, and failure to have an official transcript may result in exclusion from extracurricular activities or failure to graduate.

(3) If information is requested under subsection (2) of this section, the information shall be transmitted within two school days after receiving the request and the records shall be sent as soon as possible. Any school district or district employee who releases the information in compliance with this section is immune from civil liability for damages unless it is shown that the school district employee acted with gross negligence or in bad faith. The state board of education shall provide by rule for the discipline under chapter 28A.410 RCW of a school principal or other chief administrator of a public school building who fails to make a good faith effort to assure compliance with this subsection.

(4) Any school district or district employee who releases the information in compliance with federal and state law is immune from civil liability for damages unless it is shown that the school district or district employee acted with gross negligence or in bad faith.

(5) When a school receives information under this section or RCW 13.40.215 that a student has a history of disciplinary actions, criminal or violent behavior, or other behavior that indicates the student could be a threat to the safety of educational staff or other students, the school shall provide this information to the student's teachers and security personnel. [1999 c 198 § 3; 1997 c 266 § 4. Prior: 1995 c 324 § 2; 1995 c 311 § 25; 1994 c 304 § 2.]

Findings—Intent—Severability—1997 c 266: See notes following RCW 28A.600.455.

Effective date—1994 c 304: See note following RCW 28A.635.060.

Chapter 392-134 WAC

FINANCE—APPORTIONMENT FOR PART-TIME PUBLIC SCHOOL ATTENDANCE

WAC

392-134-002	Authority.
392-134-003	Purpose.
392-134-005	Definitions.
392-134-010	Attendance rights of part-time public school students.
392-134-015	Enrollment practices and conditions.
392-134-020	Provision of educational program to part-time public school students—Reports—Sites.
392-134-025	State funding procedures.
392-134-030	Compliance with rules as a condition of state funding.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-134-001 Purposes. [Statutory Authority: RCW 28A.41.145, 80-05-035 (Order 80-6), § 392-134-001, filed 4/15/80.] Repealed by 86-01-020 (Order 85-15), filed 12/9/85. Statutory Authority: RCW 28.41.140 [28A.41.140] and 28A.41.145.

WAC 392-134-002 Authority. The authority for this chapter is RCW 28A.150.350 which authorizes the superintendent of public instruction to adopt rules and regulations regarding part-time public school attendance.

[Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-134-002, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28.41.140 [28A.41.140] and 28A.41.145, 86-01-020 (Order 85-15), § 392-134-002, filed 12/9/85.]

WAC 392-134-003 Purpose. The purpose of this chapter is to implement the part-time public school attendance law.

[Statutory Authority: RCW 28.41.140 [28A.41.140] and 28A.41.145, 86-01-020 (Order 85-15), § 392-134-003, filed 12/9/85.]

WAC 392-134-005 Definitions. As used in this chapter the term:

(1) "Ancillary service" shall mean any cocurricular service or activity, any health care service or activity, and any other services or activities, except "courses," for or in which preschool through twelfth grade students are enrolled by a public school. The term shall include, but not be limited to, counseling, psychological services, testing, remedial instruction, speech and hearing therapy, health care services, tutorial services such as home or hospital instruction for the physically disabled, and sports activities;

(2) "Course" shall mean any instructional curricular service or activity in which preschool through twelfth grade students are enrolled by a public school;

(3) "Part-time public school student" shall mean a student who is enrolled in a public school for less time than a "full-time equivalent student" as defined in chapter 392-121 WAC, as now or hereafter amended, and shall include:

(a) Private school students to the extent they are also enrolled in a public school as a student thereof for the purpose of taking any course or receiving any ancillary service, or any combination of courses and ancillary services which is not available in the student's private school of attendance;

(b) Any student who is enrolled exclusively in a public school for the purpose of taking courses or receiving ancillary services and/or participating in a work training program approved by the board of directors of the district; and

(c) Any student who is participating in home-based instruction to the extent that the student is also enrolled in a public school for the purpose of taking any course or receiving any ancillary service, or any combination of courses and ancillary services.

(4) "Private school" shall mean any nonpublic vocational school and any nonpublic school which provides instruction in any of the grades kindergarten through twelve inclusive of nonpublic sectarian (religious) schools;

(5) "Private school student" shall mean a student who is enrolled in a private school "full time" as defined by the private school of attendance; and

(6) "Home-based instruction" shall mean an instructional program established pursuant to RCW 28A.225.010(4).

[Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-134-005, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28.41.140 [28A.41.140] and 28A.41.145, 86-01-020 (Order 85-15), § 392-134-005, filed 12/9/85. Statutory Authority: RCW 28A.41.145, 80-05-035 (Order 80-6), § 392-134-005, filed 4/15/80.]

WAC 392-134-010 Attendance rights of part-time public school students. An eligible part-time public school student who qualifies as a resident of a public school district pursuant to the definition of a "resident student" set forth in chapter 392-137 WAC, as now or hereafter amended, shall be entitled to attend the schools of the district within his or her attendance area tuition free on a part-time basis. An eligible part-time public school student shall be entitled to take any course, receive any ancillary service, and take or receive any combination of courses and ancillary services which is made available by a public school to full-time students. Eligible nonresident part-time public school students may be enrolled at the discretion of a public school district pursuant to the terms and procedures established for nonresident student attendance in chapter 392-137 WAC, as now or hereafter amended.

[Statutory Authority: RCW 28A.41.145, 80-05-035 (Order 80-6), § 392-134-010, filed 4/15/80.]

WAC 392-134-015 Enrollment practices and conditions. Requests for part-time attendance shall be processed by a public school only when made by the student, the student's parent(s), or the student's guardian(s).

In addition, the enrollment of a part-time public school student who otherwise attends a private school shall be con-

ditioned upon the certification by the student or by the student's parent(s) or guardian(s) as may be required by the public school, that:

(1) The student is a private school student; and

(2) The course and/or ancillary service for which enrollment is requested is not available at the private school of attendance.

[Statutory Authority: RCW 28A.41.140 [28A.41.140] and 28A.41.145. 86-01-020 (Order 85-15), § 392-134-015, filed 12/9/85. Statutory Authority: RCW 28A.41.145. 80-05-035 (Order 80-6), § 392-134-015, filed 4/15/80.]

WAC 392-134-020 Provision of educational program to part-time public school students—Reports—Sites. (1) Courses, ancillary services, and any combination of courses and ancillary services shall be provided to part-time public school students at the same level and quality as provided by the public school to full-time students;

(2) Courses, ancillary services, and any combination of courses and ancillary services shall be provided to part-time public school students upon public school grounds or on sites which are controlled by a public school district and at the home or hospital where the student may be confined by reason of a physician [physical] disability or sickness. Courses and ancillary services shall not be provided upon or within any private sectarian (religious) school site or facility: Provided, That field trips and special events incident to the public school program which include participation by both full-time and part-time public school students may be conducted by a public school upon or within private sectarian school facilities;

(3) No test result, grade, or other evaluation of a part-time public school student's abilities, needs, and/or performance which is generated by a public school in connection with the student's attendance may be transmitted or communicated by a public school to a private school except upon the written request of a minor student's parent(s) or guardian(s) or upon the written request of the student if the student is eighteen years of age or older; and,

(4) Transportation between a part-time public school student's private school and a public school in which he/she is enrolled may not be provided to the student at the expense of a public school district in whole or part: Provided, That the following interschool transportation may be provided at the expense of a public school district:

(a) Transportation which is provided in connection with a part-time student's participation in field trips and special events permitted by subsection (2) of this section; and

(b) The transportation of part-time public school students which:

(i) Is necessary to comply with a condition to the receipt of federal funds; and

(ii) Is paid or reimbursed for with the federal funds to which the condition is attached, not state or local tax funds or revenues.

[Statutory Authority: RCW 28.41.140 [28A.41.140] and 28A.41.145. 86-01-020 (Order 85-15), § 392-134-020, filed 12/9/85. Statutory Authority: RCW 28A.41.145. 80-05-035 (Order 80-6), § 392-134-020, filed 4/15/80.]

WAC 392-134-025 State funding procedures. (1) Public school districts shall maintain a record of the number of hours each part-time public school student is enrolled.

(2) Each district shall report to the superintendent of public instruction as required the number of hours that courses and/or ancillary services, or any combination of courses and ancillary services, are provided to part-time students in the basic enrollment data for state funding purposes.

(3) The information required by subsections (1) and (2) above shall be provided to the superintendent of public instruction on forms provided by and at such times as are designated by the superintendent.

[Statutory Authority: RCW 28A.41.145. 80-05-035 (Order 80-6), § 392-134-025, filed 4/15/80.]

WAC 392-134-030 Compliance with rules as a condition of state funding. Each public school district shall certify compliance with this chapter as a condition to the reimbursement of costs pursuant to RCW 28A.150.250, 28A.150.260 and 28A.150.350, as now or hereafter amended. State and federal funds shall be withheld in whole or part or recovered in whole or part through reduction in future entitlements of a district as necessary to enforce the provisions and intent of this chapter.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-134-030, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.145. 80-05-035 (Order 80-6), § 392-134-030, filed 4/15/80.]

WAC 180-52-041 Approval of list of standardized tests for use by students receiving home-based instruction. (1) Pursuant to RCW 28A.200.010(3), the state board of education shall approve periodically a list of standardized tests for use by students receiving home-based instruction.

(2) Students shall be tested in the subjects of reading, language arts, and mathematics. The same test does not need to be used for each subject area.

(3) The most current editions of the following tests are approved for use by home schooled students:

(a) ACT and PACT Assessment (American College Testing, Inc.);

(b) California Achievement Tests (CTB/McGraw-Hill);

(c) California Diagnostic Tests (CTB/McGraw-Hill);

(d) Comprehensive Tests of Basic Skills (CTB/McGraw-Hill);

(e) Degrees of Reading Power (Touchstone Applied Science Associate, Inc.);

(f) Iowa Tests of Basic Skills (Riverside Publishing Company);

(g) Iowa Tests of Educational Development (Riverside Publishing Company);

(h) Metropolitan Achievement Tests (Psychological Corporation);

(i) National Achievement Test (American College Testing);

(j) Scholastic Achievement Test - SAT I: Reasoning and Preliminary Scholastic Achievement Test - PSAT (the college board);

(k) Stanford Achievement Test (Psychological Corporation);

(l) Stanford Early School Achievement Test (Psychological Corporation);

(m) Tests of Achievement and Proficiency (Riverside Publishing Company); and

(n) Washington Assessment of Student Learning.

(4) The Washington assessment of student learning is not required to be used by students receiving home-based instruction. If the Washington assessment of student learning is selected for use by students receiving home-based instruction, the following conditions shall apply:

(a) The Washington assessment of student learning must be administered by a public school or state board of education approved private school; and

(b) The Washington assessment of student learning must be scored by the vendor contracted by the superintendent of public instruction to score such assessment.

[Statutory Authority: RCW 34.05.310(4). 00-03-046, § 180-52-041, filed 1/14/00, effective 2/14/00.]

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